

### English Language Declaration

**As a below-named inventor, I hereby declare that:**

**My residence, post office address and citizenship are as stated below next to my name.**

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## EVANESCENT FIELD ILLUMINATION DEVICES AND METHODS

the specification of which: (check one)

X is attached hereto.  
was filed on July 15, 1999 as Application Serial No. PCT/US99/16057  
and was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional applications listed below and under Title 35, United States Code, § 120 of any United States applications listed below. Insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States provisional applications and United States applications in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>09/160,533</u>	<u>September 24, 1998</u>	<u>Pending</u>
<u>PCT/US98/14575</u>	<u>July 15, 1998</u>	<u>Pending</u>
<u>60/093,838</u>	<u>July 22, 1998</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of

first inventor: DOUGLAS N. MODLIN

INVENTOR'S SIGNATURE:

DATE: \_\_\_\_\_

*Joseph N. Medhi*

9/8/99

Residence: 4063 Scripps Avenue, Palo Alto, California 94036  
Citizenship: United States of America  
Post Office Address: 4063 Scripps Avenue, Palo Alto, California 94036

**CERTIFICATE UNDER 37 C.F.R. § 3.73(b)**  
**and**  
**CERTIFICATE PURSUANT TO 37 C.F.R. § 3.71 AND MPEP § 106**

jc554 U.S. PTO  
09/15/99  
01/12/01

In re Application of: LJL BioSystems, Inc. and Douglas N. Modlin  
Serial No.: PCT/US99/16057  
Filed: July 15, 1999  
Entitled: Evanescence Field Illumination Devices and Methods

LJL BIOSYSTEMS, INC., a Delaware corporation, certifies, under 37 C.F.R. § 3.73(b), that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of assignments from each of the inventors named in the patent application identified above and their successors in interest. Copies of assignments or other documents in the chain of title are submitted herewith.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and certifies that to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The above-identified assignee of record, pursuant to 37 C.F.R. § 3.71 and MPEP 106, hereby excludes all inventors and previous assignee(s), if any, from access to the above-identified patent application, and reserves its right to conduct the prosecution of the above-identified patent application to the exclusion of the named inventors and previous assignee(s).

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the above-identified assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 9/9/99

LJL BIOSYSTEMS, INC.

Galina Leytes

Name: GALINA LEYTES

Title: Executive VP

COPY

ASSIGNMENT

WHEREAS, I, Douglas N. Modlin, of Palo Alto, county of Santa Clara, state of California, have invented certain improvements in EVANESCENT FIELD ILLUMINATION DEVICES AND METHODS, for which I have executed a PCT patent application on July 15, 1999, and which was given PCT Application Serial No. PCT/US99/16057; and

WHEREAS, LJL BioSystems, Inc., a Delaware corporation, having its principal place of business in Sunnyvale, county of Santa Clara, state of California, is desirous of acquiring an interest therein;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged, I the said Douglas N. Modlin, have sold, assigned, and transferred, and by these presents do sell, assign, and transfer, unto the said LJL BioSystems, Inc., the full and exclusive right to the said invention in the United States and its territorial possessions and in all foreign countries, and the entire right, title, and interest in and to any and all Letters Patent which may be granted therefor in the United States and its territorial possessions, in any and all foreign countries, and in and to any and all divisions, reissues, continuations, and extensions thereof.

I hereby authorize and request the Patent Office officials in the United States and any and all foreign countries to issue any and all of said Letters Patent, when granted, to the said LJL BioSystems, Inc., as the assignee of my entire right, title, and interest in and to the same, for the sole use of the said LJL BioSystems, Inc., its successors and assigns.

Further, I agree that I will communicate to the said LJI BioSystems, Inc., or its representatives, any facts known to me respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, substitution, renewal, and reissue applications, execute all necessary assignment papers to cause any and all of said Letters Patent to be issued to the said LJI BioSystems, Inc., make all rightful oaths, and generally do everything possible to aid the said LJI BioSystems, Inc., its successors and assigns, to obtain and enforce proper protection for said invention in the United States and in any and all foreign countries.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 9<sup>th</sup> day  
of September, 1999.

Douglas N. Modlin  
DOUGLAS N. MODLIN

Witness:

Name: Jan Hummel

Address: 404 Tasman Dr.

City, State: Sunnyvale, CA 94089